

REMARKS

Claims 1-25 and 27 were pending in the present application that was continued by the Request for Continued Examination filed August 17, 2006. The amendments made by after final amendment submitted July 17 2006 are entered and new claims 28-32 are added herein. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicant acknowledges the Examiner Interview conducted on January 17, 2007 in which the invention was discussed in connection with features as recited, for example, claim 1. The undersigned and the Examiner discussed various possible hypothetical readings of the feature of “unpermitting” on the descriptions in the applied references. The undersigned emphasized that the applied art combination, while, at best, requiring password entry, fails to teach or suggest, for example, an affirmative act of unpermitting of a given function that would prevent access to personal information. No agreement was reached. While the Examiner did not provide a suggestion for possible amendments that might place the claims in condition for allowance, he indicated that he would consider features associated with a privacy mode that is added herein by amendment to independent claims 1, 11, 13 and 24 upon submission thereof.

Claims 1-25 and 27 were rejected under 35 USC 103(a) as being unpatentable over Murphy, U.S. Patent No. 6,232,874 in view of Treyz et al., U.S. Patent No. 6,711,474 (hereinafter “Treyz”). The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Independent claims 1, 11, 13 and 24 are amended herein to include features associated with the activation of a privacy mode. Claims 1 and 13, as amended, include a privacy mode activating unit for optionally activating a privacy mode when a predetermined condition is

satisfied. An unpermitting command for unpermitting the use of the given function when the privacy mode is activated is generated by the commanding unit in claim 1 or a determining unit determines the unpermitting the use of the given function when the privacy mode is activated in claim 13.

Independent method claims 11 and 24, as amended, include generating a command for activating a privacy mode when a predetermined condition is satisfied and determining unpermitting a use of a given function of the in-vehicle device when the command is generated.

Support for the above noted amendments can be found in applicant's specification for example in connection with the valet mode determination in S20 of FIG. 3, and reference to privacy at page 2, line 4.

Dependent claims 5, 6, 19 and 20 are amended to recite, *inter alia*, that the predetermined condition can include, for example, when a spare key is inserted into a key cylinder of the vehicle in claims 5 and 19, and when a current position detected by the position detector is a position of a given facility in claims 6 and 20.

Applicants submit that the applied art combination fails to teach or suggest the claimed features. At best, Murphy describes in connection with FIG 2A, for example, that the driver is always required to provide identification at step 33 when a vehicle engine is activated at step 31. If the operator cannot be identified certain control actions are taken, but none prohibit access to personal information as claimed. Further, in always requiring identification to be provided, Murphy necessarily fails to teach or suggest a privacy mode activation unit, or step associated with a privacy mode as claimed.

With regard to Treyz, in the Response to Arguments section, the Examiner alleges that Treyz teaches sending custom driving directions to the vehicle computer and this driving direction is used in navigating the vehicle (col. 86, lines 21-36 of Treyz). Applicants note that

the driving directions referred to in Treyz, at best, amount to route information externally transmitted over a remote wireless link, for example, to let a user of the vehicle computer know how to get to an individual's home and is not the same as location information such as a memory point. The memory point in the context of the invention is information which is personally stored or registered by a user and categorized as personal information used for navigating a vehicle. Still further, it is important to note that in Treyz, the use of a password is described in connection with setting or changing options in the computer or in connection with a payment transaction or the like. However, Treyz and thus the applied art combination fails to teach or suggest that a password is used in connection with a function for navigating a vehicle.

Accordingly, the applied art combination fails to teach or suggest features of the claimed invention and fails to specifically teach or suggest, for example, that the personal information used for navigating a vehicle is optionally or selectively protected, such as by activation of the privacy mode, when a predetermined condition is satisfied as claimed, such as when a spare key is inserted or when a vehicle enters a location of a given facility such as a valley parking facility.

For at least the above reasons, a *prima facie* case of obviousness cannot be sustained in that the applied art combination fails to teach or suggest all the claimed features. It is respectfully submitted therefore that the rejection of claims 1, 11, 13 and 24, as amended, should be reconsidered and withdrawn.

Claims 2-10, 12, 14-23, 25 and 27, based on depending from claims 1, 11, 13 and 24 are allowable for at least the reasons set forth herein above with regard to claims 1, 11, 13 and 24. Further, at least claims 5, 6, 19 and 20, as amended herein, are independently allowable in that the applied art combination fails to teach or suggest that a predetermined condition associated with activation of the privacy mode and unpermitting the function is satisfied by insertion of a

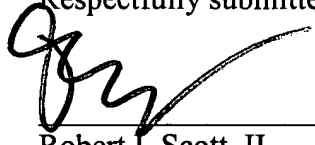
spare key into a key cylinder or when a current position detected by the position detector is a position of a given facility.

New claims 28-32 further define various features associated with claims 1, 6, 13 and 20 and based on their respective dependence therefrom, are allowable for at least the reasons set forth herein above with regard to claims 1 and 11. Favorable consideration is respectfully requested.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert L. Scott, II', is written over a horizontal line.

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